

App. No. 10/536,590
Office Action Dated July 27, 2007

REMARKS

Favorable reconsideration is respectfully requested in view of the above amendments and following remarks. Claim 1 has been amended. The limitation in claim 1 concerning the warp knitted fabric being in a form of a mesh with diamond-shaped pores or a mesh with hexagon pores is supported for example by page 7, lines 18-19 and page 34, lines 10-11 and lines 17-18 of the specification. The limitation in claim 1 concerning a unit of stitches of the warp knitted fabric having a vertical length of 0.5 to 8 mm and a horizontal length of 0.5 to 8 mm is supported for example by page 7, lines 2-6. Claims 29-32 are new. Claim 29 is supported for example by page 6, lines 15-21 and page 34, lines 9-16. Claim 30 is supported for example by Figures 10B and 10 C. Claim 31 is supported for example by page 39, lines 7-12. Claim 32 is supported for example by page 30, line 6 to page 31, line 8. No new matter has been added. Claims 1-5 and 11-32 are pending.

Claim rejections - 35 U.S.C. § 103

Claims 1-9, 11-14, 17-26 and 28 have been rejected under 35 U.S.C. 103(a) as obvious over EP 1 022 031 (Matsuda) in view of WO 97/07833 (Pressato). U.S. Patent No. 6599323 (Melican) is relied upon for rejecting claim 10, which is now incorporated into claim 1. Applicants respectfully traverse the rejections.

Claim 1 requires the reinforcing material to be a warp knitted fabric. Claim 1 further requires the warp knitted fabric to be in a form of a mesh with diamond-shaped pores or a mesh with hexagon pores. Such a configuration allows the mesh to be symmetrical in both vertical and horizontal directions. Claim 1 also requires a unit of stitches of the warp knitted fabric to have a vertical length of 0.5 to 8 mm and a horizontal length of 0.5 to 8 mm. When the lengths of a unit of stitches are limited as required by claim 1, the amount of fabric used per given area can be minimized such that a sufficient amount of flexibility to integrate the warp knitted fabric with the gelatin film can be achieved. As a result, a medical film exhibiting excellent tensile strength and yard threading tension as shown in Table 2 can be obtained.

Matsuda and Pressato teach a medical film having a gelatin film and a reinforcing material. However, Matsuda and Pressato do not teach or suggest a warp knitted fabric as required by claim 1. The references also do not teach or suggest a medical film having a

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reinforcing material that is integrated with a gelatin film. Therefore, claim 1 and dependent claims therefrom are patentable over Matsuda and Pressato.

The rejection relies on Melican for the reinforcing material being a warp knitted fabric, and the reinforcing material and the gelatin film being integrated with each other. The rejection's reliance is misplaced. More particularly, Melican teaches a biocompatible tissue implant. The reference teaches that the implant includes one or more layers of a bioabsorbable polymeric foam having pores with an open cell pore structure. The reference further teaches that a reinforcement component is also present within the implant, and that the reinforcement component can be comprised of textiles with warp knitted structures. However, the reference fails to teach or suggest a warp knitted fabric with a unit of stitches having a vertical length of 0.5 to 8 mm and a horizontal length of 0.5 to 8 mm.

The rejection refers to Figure 6 of Melican to contend that the art of bioabsorbable medical devices had known to provide knit mesh materials as reinforcements for such materials. The rejection further contends that it would have obvious to a person having ordinary skill in the art to have provided a knit as the reinforcement desired by Matsuda and Pressato. However, Melican's reinforcing material does not correspond to the reinforcing material of claim 1. In particular, Melican's reinforcing material as shown in Figure 6 exhibits a unit of stitch having vertical and horizontal lengths that do not correspond to what is required by claim 1. Therefore, even if Pressato, Matsuda and Melican are combined, the references still would not meet claim 1. Accordingly, claim 1 and the dependent claims therefrom are patentable over the references, taken alone or together.

The rejection further contends that it is not seen that the reinforcement taught by Melican is any less integrated with the membranes used therein than the reinforcements claimed. However, although Melican teaches that the web or walls of the foam component that form pores penetrate the mesh of the reinforcement component, it is far from clear as to whether Melican's reinforcement component can be integrated into a gelatin film as required by claim 1. Moreover, it is uncertain from the teachings of Pressato and Matsuda as to whether any reinforcement material can be integrated with the gelatin film as required by claim 1. As such, Pressato, Matsuda and Melican represent nothing more than invitation to experiment. Accordingly, claim 1 and the dependent claims are further removed from the references for these reasons.

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Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda in view of Pressato, and further in view of U.S. Patent No. 5854381 (Jurgens). Melican is relied upon for rejecting claim 10, which is now incorporated into claim 1. Applicants respectfully traverse this rejection.

Matsuda, Pressato and Melican have been distinguished above. Claim 16 depends from and further limits claim 1. Therefore, claim 16 is patentable over the references for at least the same reasons as claim 1. Applicants do not concede the correctness of the rejection.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda in view of Pressato, and further in view of U.S. Patent No. 4374063 (Consolazio). Melican is relied upon for rejecting claim 10, which is now incorporated into claim 1. Applicants respectfully traverse this rejection.

Matsuda, Pressato and Melican have been distinguished above. Claim 27 depends from and further limits claim 1. Therefore, claim 27 is patentable over the references for at least the same reasons as claim 1. Applicants do not concede the correctness of the rejection.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the attorney-of-record, Douglas P. Mueller, Reg. No. 30,300, at (612) 455.3804.

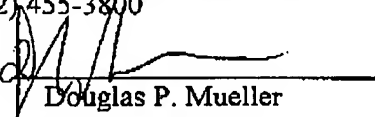


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Respectfully submitted,

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